

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION**

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Civil No. 05md1726 JMR/AJB

In re: Medtronic, Inc. Implantable  
Defibrillator Product Liability Litigation

**ORDER ON BELLWETHER ACTIONS**

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This action is before the Court, Magistrate Arthur J. Boylan, for designation of general categories of cases from which bellwether actions will be selected for trial. Pursuant to previous order by the court the parties were directed to meet and confer and thereafter submit a report to the court suggesting no more than 6 categories into which individual cases might be assigned and thereby establish broad parameters for separate bellwether actions. The parties have conferred but are unable to reach agreement as to the descriptions for separate categories of cases and have submitted separate proposals.

Therefore, **IT IS HEREBY ORDERED** that the each of the individual cases in this MDL shall be designated to one of the following six categories for purposes of bellwether trials and discovery:

- (1) Non-explant/alleged anguish only;
- (2) Explant without complications, pre-January 1, 2004;
- (3) Explant without complications, post-January 1, 2004;
- (4) Explant with complications, pre-January 1, 2004;
- (5) Explant with complications, post-January 1, 2004; and
- (6) Alleged wrongful death.

Discovery, case selections, and other pretrial matters relating to bellwether trials such take place in time and manner as provided in the Amended Pretrial Scheduling Order that is being issued by the court contemporaneously to this Order.

Dated: March 6, 2007

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s/ Arthur J. Boylan  
Arthur J. Boylan  
United States Magistrate Judge